

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In Re the Petition of

Challenger Trading S.A.

For Discovery in Aid of a Foreign Proceeding  
Pursuant to 28 U.S.C. § 1782

**ECF CASE**

Civil Action No. \_\_\_\_\_

**IN ADMIRALTY**

**DECLARATION OF J. STEPHEN SIMMS  
IN SUPPORT OF PETITION FOR AN  
ORDER ALLOWING DISCOVERY  
PURSUANT TO 28 U.S.C. § 1782**

Pursuant to 28 U.S.C. § 1746, I, J. Stephen Simms, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Principal of the law firm of Simms Showers LLP, which represents Petitioner Challenger Trading S.A. (“Challenger” or “Petitioner”) in connection with the accompanying Petition. I submit this declaration in support of a Petition for an order to obtain discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

2. The related contemplated foreign proceeding concerns a breach of a time charter by Valeska Shipping Lines Limited (t/a Valeska Nigeria) (“Valeska”). Petitioner and Valeska are parties to a time charter agreement (the “Time Charter”), entered into on or about February 22, 2013, pursuant to which Challenger agreed to charter the M/V ADMIRAL L (the “Vessel”) to Valeska.

3. Petitioner seeks substantive information regarding Valeska’s breach of the Time Charter and the efforts of Valeska to avoid its obligations as guarantor under the Time Charter. Petitioner expects to find the information in the possession of UniCredit Bank AG, which bank was involved in the underlying transactions related to the Time Charter.

4. UniCredit Bank AG's office is located at 150 East 42nd Street, New York, NY 10022.

5. Herewith, attached as Exhibit 1, is a copy of a proposed Order, ordering the issuance of a subpoena on UniCredit Bank AG to compel discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

6. Herewith also, attached as Exhibit 2, is a true and correct copy of a proposed subpoena to be served on UniCredit Bank AG.

Dated: June 6, 2016.

I certify pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

/s/ J. Stephen Simms

J. Stephen Simms

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